



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

but if he hits me, and I escape death and take a convalescence of two or three months, I have to have a good deal subtler brain than I now have to reason out any way by which that result satisfied my honor in being insulted by him.

Now, there was a time in the history of the English people—not so long ago—when if an Englishman was sued in a court of justice—sued on a bond, it may be—he was brought in, and, being a little short of evidence, he demanded wager of battle on the issue whether he ever made the bond. Then the learned judges pulled out two long swords, arranged a 24-foot ring, and let the defendant and plaintiff get at each other with those swords. If the defendant cut off the head or the arm of the plaintiff and knocked him out, that established, as a matter of law and fact, in that court of justice, that he had never made the bond, or, if he had, that he had paid it. That was what they called “wager of battle.” I ask you if it does not seem as ridiculous as possible? Can it be that that was the case 250 years ago in the courts of justice of England, to which we look now for all the perfection possible in the principles of the administration of justice? Well, it is so historically. And yet, as I say, it awakens the risibles, and ought to, of every civilized person that hears it today. I would like to have you tell me in what respect the settlement of international controversies today differs in the slightest from the wager of battle in the courts of justice of England 250 years ago?

Now the question is whether we have ingenuity enough, whether we have perception enough, whether we have self-restraint enough, whether we have common sense enough to come together as peoples of this world and make an arrangement by which we shall settle controversies that arise in some more human, some more logical, some less brutal and unsatisfactory way than war?

It has fallen to this country to lead in this matter, and that is because we are so situated without entangling alliances, and so strong without the greatest army and without the greatest navy, that nobody would charge us with cowardice on account of trying to find some other method of settling international controversies than by war. Everybody knows—we know, and all the nations of the world would be willing to admit—that we are not a cowardly nation. Therefore we are not in a position where our motives can be misunderstood. We are in a position of comfortable isolation, where we don't have to keep up our armament as other nations do who live as closely as they do in Europe. The common people of Great Britain, of France, of Germany, and of the entire continent of Europe, look to us to lead in the cause of peace. Are we going to turn upon these people after we have made this step? Are we going to take the flavor out of the step that we have already taken? Are we going to turn back on this movement and say, “Well, we are very sorry; we are very sympathetic with you; we hope you will get along well, but there is something in our Constitution that prevents us from assuming any obligation in respect to the future decision of an arbitral court?” I hope not, and I am not going to make it any less probable by saying any more.

. . . The Emperor of Japan, on opening in person the Diet on December 27, said that he deeply deplored the disturbances in China and prayed for a speedy restoration of peace.

Progress Beyond the Most Sanguine Dreams.

Hon. Richard Bartholdt, Member of Congress from Missouri, and president of the Interparliamentary Union Group in Congress, was then introduced, and spoke as follows:

Mr. Chairman, Ladies and Gentlemen: Only seven years have elapsed since the Interparliamentary Union, at its conference at St. Louis, adopted a resolution drafted by me and championed by the distinguished gentleman who presides tonight, declaring in favor of a second Hague Conference, and proposing, as a program for that great meeting, general arbitration treaties between the several nations as a means of lessening the possibilities of war. As I say, this was only seven years ago; and today? Why, the second Hague Conference has actually been held, and the general arbitration treaties, then vaguely hoped for, are as living realities before the great chancelleries of the world as the concrete proposition of a far-seeing American President, and Great Britain, France, and Germany, the three mightiest military countries on earth, have already given their formal assent to this great American policy.

It is progress, my friends, beyond the dreams even of those of us who have stood in the firing line of the war against war. And there is still more, I might almost say stronger, evidence of the rapid evolution in the direction of a more permanent condition of world peace. It does not consist in written agreements, but outside of those and back of those agreements a new spirit has manifested itself, a spirit which, besides compelling the dictation of and the adhesion to peace treaties, makes the avoidance of war a voluntary policy of government. The most recent history records a signal triumph of peace due to this spirit. By it the number of unfought wars has been increased by one significant instance. I do not refer to the Dogger Bank incident, which threatened a bloody war between England and Russia, but resolved itself, upon calm investigation, into a ludicrous case of mistaken identity, nor have I in mind the bloodless annexation by Austria of the provinces of Bosnia and Herzegovina, which surely, if attempted twenty, aye, even fifteen, years ago, would have precipitated a European war. No, I have reference to the peaceful settlement by Germany and France of the Morocco question. Rarely was public opinion as excited, has feeling run as high as in these two countries during last summer. Seldom has the jingo press with its inciting editorials had a more responsive audience than in the days of July and September. A single word, a single warlike pose of the ruler was all that was required to set in motion the terrible machinery of a modern war between two first-class powers. The warmongers would have endeavored to justify such a calamity. It would have been easy for them to demonstrate the historical necessity of such a war, as the conflict was between nations which the fanatics of international anarchy have made the people believe to be arch enemies. At the time, owing to the state of the public mind, it was a thousand times easier to justify war than to justify the preservation of peace. But the German Emperor—honor to him!—determinedly stood his ground. Although at the head of the greatest military establishment of the world, in command of a power large enough to crush almost any

enemy, he has never soiled his hands with the blood of war, and, in spite of the most bitter invectives and diatribes of the war party, he could not be moved to do it in this instance and to allow Germany's forty years' peace to be broken. As a consequence, the war party has suffered a signal defeat, while the peace party and the spirit which it disseminates has achieved one of the greatest victories of modern times; and the Kaiser? We may not see it now, but future historians will probably give him the credit that by his circumspection and his self-restraint he has inscribed his name for all time in the book of honor in which are recorded the benefactors of mankind. It is more glory for him than he could have gathered on a hundred battle-fields.

Circumspection and self-restraint—that is it, my friends. These qualities, the essentials of real human culture, are always the premises of conciliation and peaceful agreements between the nations. As soon as a dispute has been removed from the clutches of passion and placed upon the basis of reasonable consultation, then the unreasonable solution, with its employment of brute force, is invariably excluded. This the friends of peace have always insisted upon, and, therefore, they have endeavored to create and strengthen instruments by which it will be possible in a critical moment to protect deliberate judgment, to protect reason against the foolish clamor of excited jingoes.

The arbitration treaties as proposed by President Taft are just such an instrument. But before I discuss this magna charta of peace which America is offering to the world, let me show you for a minute the reverse side of the picture. While we pacifists are claiming victories, our jingo friends may well point to Italy's war on Turkey and the Russian advance on Persia as evidences that the war spirit is still alive. Our answer to that is that no sensible advocate of peace has ever claimed that despite the new spirit sporadic aggressions may not occur. We have laws against murder, yet murders are daily committed; but the fact of their occurrence does certainly not argue in favor of repealing the laws against these horrible crimes. We demand laws against war because, if they do not result in abolishing armed conflicts altogether, they will at least have, the same as in the case of murder, a deterring effect. And has it not occurred to you how differently today the enlightened public opinion of the world regards Italy's aggression? Up to a short time ago—a very short time ago, considering the rate of human progress—the war at Tripoli would have been considered as something quite natural—as an assertion of a natural right on the part of Italy—but what is the world's opinion today? Have you met anybody who tries to defend that war, or have you seen a single press comment, outside of Italy, endeavoring to even justify it? Here you have the evidence to what extent the new spirit has already captivated the minds and hearts of the people. And, instead of harming the peace movement or retarding its progress, Italy's example, by opening the eyes of the world to the iniquities of the present international order of things, is actually having the effect of accentuating it. In all civilized countries growing circles of people begin to realize how justified and timely is the demand of the peace advocates that such aggressions should in the future be guarded against by binding international agreements. The Italian is proof even to the imbecile of

what we have always asserted—namely, that today peace is maintained only as long as it pleases the rulers, and that the demand comes none too soon which aims at the conversion of this pleasure, this arbitrary will, into an obligation to keep the peace. And this is all we have ever asked. We want to erect, between war on the one hand and the arbitrary will of rulers, as well as the passions of the mob on the other, a reliable safeguard to protect the people's greatest boon—its peace.

Just such a safeguard we will have in President Taft's arbitration treaties. There are at present two ways to settle an international difference—by diplomacy or by war. Now it is proposed to erect between the two another barrier in the shape of arbitration, so that where diplomacy fails we may resort to arbitration to save us, if possible, from the curse of war. The accomplishment of this purpose will be a benefit—no, a benefaction—to mankind, and if there is any one opposed to it, it will be well to examine his mind and his motives. You have heard from the distinguished speakers preceding me that there is opposition on the part of certain Senators against the ratification of these treaties, but to my mind not a single one of the objections I have heard is well taken. Some say the Senate's prerogative is invaded by the section providing for a commission of inquiry, while in fact the Senate has the last word with regard to every single proposition to refer a case to arbitration. If I had my way, I would wipe out altogether the Senate's concurrence in these matters, and insist on that body conferring wholesale authority on the President in all questions of arbitration. I do not want it said by the enemies of a Republican form of government that monarchies are more effective than republics in the conduct of foreign affairs or in any other respect. We must remember that arbitration, in order to be possible and effective, should be resorted to without delay, for if you permit an international controversy to become the subject of protracted public discussion there is great danger of the public mind becoming inflamed and the passions becoming aroused, thus rendering a peaceable settlement problematical, if not impossible. From my viewpoint, therefore, the treaties are suffering from too much Senate rather than too little. One Senator, from my personal knowledge, objects to an American question being left to the decision of outsiders; but is not the commission of inquiry to consist of three Americans, besides the three so-called outsiders, and must not five of the six agree before a controversy can be sent to arbitration at all? Is it likely that two of three Americans to be honored by an American President with such a high appointment could ever be found to betray vital American interests? The man who objects to these provisions is simply an enemy of arbitration, and, to be consistent, he would have to be an enemy, too, of the institution of courts of law, for when you and I agree to refer a dispute to a court, do we not leave the decision as to our rights to a judge who may be, and most likely is, an entire stranger to both contending parties, the same as international judges may be, and probably are, strangers to the contending nations? Arbitration, after all, means nothing more and nothing less than an extension of the reign of law such as is in vogue in all civilized countries to international relations, and the Senator who wants the Goddess of Justice, instead of

being blindfolded, to have an eye to particular national interests, is, I say again, neither a friend of arbitration nor a friend of evenhanded justice.

These treaties should be ratified at once without amendment. To amend them—and I know whereof I speak—is to kill them. They should be ratified because they are a guarantee of peace by providing the judicial machinery, as perfect as human ingenuity can provide it, to preserve the peace. They should be ratified because they will eventually relieve the people of vast burdens of taxation or enable them to apply the money which is now wasted to the extent of 60 cents of every dollar for war preparations, to the better purposes of peaceful development. They should be ratified because their failure would be a blow to the cause of peace here and everywhere from which it could not recuperate in years, and they should be ratified because not to do so would be a humiliation and an irreparable loss of prestige to the United States, in view of the fact that they owe their existence to the initiative, the foresight, and the courage of an American President.

A growing public sentiment shared by what is noblest and best in American manhood, demands their ratification. Let us hope that its momentum will soon become so irresistible that the organized effort to amend and destroy them will result as disastrously as did the historical effort of the redskins to hold up a railway train by means of ropes. No American Senate must ever prove a stumbling-block in the way of world peace. I thank you for your attention.

The last address of the evening was given by Dr. George W. Kirchwey, of the Columbia University School of Law. As Dr. Kirchwey has been unable, because of press of work, to revise his manuscript in time for this issue, his address will appear in our February number.

The Example of the Treaties.

Houston (Texas) Chronicle.

A treaty of arbitration between the United States of America and the Empire of Great Britain for the settlement of all national variances and disputes by an appeal to the province of reason and not to that of arms is worth more to mankind and to the cause of Christian civilization than all the inventions in ordnance and fire-works since gunpowder was discovered—more than all the men-of-war battleships, steel cruisers, turreted monitors, and torpedo gunboats ever launched with which to vex the seas of the world, turning their green waters red. Even the name of such a method of peace, like a rich strain of melody, will salute the ears, the hearts, and the hopes of the peaceful, home-loving, home-toiling, and home-staying millions from whom mighty armies are now drawn and mustered by their rulers and hurled to carnage and death.

The example of a treaty for the honorable avoidance of bloodshed between the two strongest and most martial nations of the earth will light up the world and penetrate its darkest recesses like a celestial halo from on high.

A Truce for the Toilers.

By Amanda M. Hicks.

Twenty millions of soldiers in barrack and camp;
Twenty millions of men to be harnessed and fed;
Twenty millions in arms that the world may have peace!
Who must drudge, who must sweat, that these millions
have bread?
If men live without toil,
Who must toil in their stead?

New King of the Isles, who must delve, who must dig,
That your dreadnaughts and cruisers may ride every
wave?
Who must choke in your mines, who must faint at your
looms,
That your land may rank first of the mighty and brave?
New King of the Isles,
Is your problem not grave?

Sunny land of the lilies, fair land of the vine,
Do you dare fling your challenge past border and bar,
While your face is yet pale, and your sinews unknit,
For the life-blood you drained back a century far?
Fair land of the vine,
Do you dare stand for war?

Flesh of bullock for men who in idleness rust;
Brave steeds for bold riders who prance on the plain;
Black bread for the toilers who moil in the dust;
Heated milk-giving kine straining hard at the wain—
Kaiser of Fatherland,
Is your problem not plain?

Do you dare with club brandished, young Thor of the West,
Drink the blood of young children who weave and who
spin,
While work-weakened mothers nurse your sons at the
breast—
Do you dare to stand armed the world's plaudits to win?
Can the Stars and the Stripes
Hide the stain of your sin?

Great lords of all lands, bold captains of seas,
Call a Truce for the Toilers who delve in the clod!
Cry "Peace" to all peoples; fling the cry to the breeze!
Call a Truce of the Nations, the new Truce of God!
Call the Truce never ending—
The "White Truce of God."

BERKELEY, CALIFORNIA.

The Objections to the Pending Arbitration Treaties.

By Thomas Raeburn White, of the Philadelphia Bar.

The objections which have been urged to the arbitration treaties by the Senate are substantially these:

First. That the United States ought not to bind itself to submit to arbitration disputes which may arise involving its honor, vital interests, or independence.

Second. That if a treaty is concluded binding the United States to submit all justiciable questions to arbitration, it ought not to bind itself to abide by the decision of a commission as to whether a controversy is or is not justiciable.